

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



DEC 12 2008

UNITED STATES OF AMERICA,

Plaintiff,

CLERK, US DISTRICT COURT, WDNY

-v-

08-CV-6449CJS

\$3,801.00 UNITED STATES CURRENCY,

Defendant.

DEFAULT JUDGMENT AND ORDER OF FORFEITURE

The plaintiff, the United States of America, has moved for a Default Judgment pursuant to Federal Rules of Civil Procedure 55(b)(2), and for an Order of Forfeiture. After reviewing the affidavit of Special Assistant United States Attorney Kathryn L. Smith dated December 11, 2008, and, it appearing that no claimant has timely filed a Verified Claim and Answer in this action, as required by the Summons that was served upon them, as provided by Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions and Title 18, United States Code, Section 983(a)(4)(A) and, it appearing that an Entry of Default against the defendant currency has been entered in this action by the Clerk of the Court, and that the plaintiff is entitled to have a Judgment by Default entered, it is hereby

ORDERED, that a Default Judgment be entered against the defendant currency; and it is further

ORDERED, that the defendant \$3,801.00 United States Currency is to be forfeited to the United States of America pursuant to Title 21, United States Code, Section 881(6) and that the defendant currency shall be disposed of by the United States Marshals Service or any other authorized law enforcement officer according to law; and it is further

ORDERED, that any claims to the defendant currency are hereby forever barred; and it is further

ORDERED, that this action be and is hereby dismissed.

Dated: December 12, 2008, at Rochester, New York.


HONORABLE CHARLES J. SIRAGUSA
UNITED STATES DISTRICT JUDGE